

Legal Dimensions Of Metallurgical Science: Navigating Environmental Compliance, Intellectual Property Protection, And Safety Regulations

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Abstract.

As a well-known fact, mining laws in every nation are regarded as the most crucial element and are required for the growth of the nation—especially for India, a developing nation. Nevertheless, India still suffers with the correct application of the law since several cases have been recorded where players of the mining sector have been abusing their resources. The Mines and Minerals (Development and Regulation) Act, 1957 is one of the important laws pertaining to mining laws in India; hence, this research article aims to examine whether they sufficiently meet the present needs of the nation generally. This paper would concentrate on the significant mining laws controlling the Indian mining industry and on their application by the government. First of all, the paper will examine and review the significant mining laws. Furthermore, the paper would highlight the difficulties the nation faces in relation to the mining industry and in respect of which the Legislature should pay attention and implement the required actions in the modern era. In line with this, this study would also examine the decisions rendered by the respective courts in view of the neglect of the mining laws in India. At last, this paper will go over the analysis and the way forward.

Keywords: Environmental Conservation; Governance; Illicit Mining; Enforcement; Judiciary; Mining Legislation.

INTRODUCTION

Although various laws have been passed in India to regulate the mining sector, this research will focus on a few key legislation, particularly the Mines and Minerals (Rules and Regulations) Act, 1957, and its most recent amendments. While, on the other hand, the mining sector is not contributing too much to the GDP as compared to its potential, the mineral resource in any nation plays a key part in the economic development of the country because it adds to the national income by producing jobs.¹ It is the responsibility of the Indian government to ensure that mining regulations are fair and equitable,

¹ F PADEL AND M GUPTA, MINING, DEVELOPMENT AND ENVIRONMENT IN INDIA RESEARCH HANDBOOK ON LAW 413 (Environment and the Global South 2019).

since the mineral sector is an energy sector that belongs to the public good rather than private individuals.

In addition, regulations governing the mining industry have been in place since the 17th century. It wasn't until 1952 that the Mines Act really started to matter. In addition, there have been multiple revisions to the Act. Each state has its own set of laws. So, this study shows that something needs to change and that the legislature needs to look at the mining industry's requirements while also protecting the environment. There has been a shift in recent years toward the idea that mining rules can help make India's mining sector more competitive.

Mineral resources have long been one of India's most prominent exports. Based on the 2009 Report upon the Mineral Output by the World Mining Congress, India was rated fourth in terms of output volume.

Secondly, before delving into the important regulations pertaining to mining law in India, it is helpful to have a brief understanding of the history of the mining business in India. The mining tunnels that have covered India's enormous mineral output are clear evidence of the long-standing mining activities. Due to the fact that minerals were not considered a national asset prior to India's independence, mining law gained momentum after the Mines Act, 1952 and the MMDR Act, particularly following the adoption of the LPG policy, and a number of mining laws were passed. Most of the new mining laws in India are sufficient to deal with the impending problems in the country since then.

So, the study's overarching goal is to take a look at the mining rules that are now in place and try to figure out how they've affected the business and the environmental issues it faces. The study delves into the various viewpoints held by the Court regarding environmental and illicit mining issues, with a particular emphasis on sustainable development principles.

Significant Laws Affecting Mining Laws

While there are a number of mining laws passed by the Indian parliament, this study has focused on the most crucial ones. Getting to know the people in charge of the mining sector is the first order of business. Consequently, numerous branches of the Indian government are responsible for overseeing the mining industry. These branches include the Ministry of Mines and its subsidiaries, the Indian Bureau of Mines and the India's Geological Survey, in addition to the Ministry of Environment.

The Mines Act 1952²

The introduction of this Act aimed to abolish policies related to the health and safety of workers employed in the coal and oil mines in India, marking it as a pivotal piece of legislation intended to regulate the mining sector within the country. At its core, it has examined the obligations of the owner regarding the oversight of mining operations and the management of processes essential for ensuring worker safety. In conjunction with various other considerations, it delineated and advocated for the working hours of the employees, in addition to establishing minimum remuneration rates. In a straightforward manner, it encompassed all the essential components of the pertinent matters. It can be elucidated by emphasizing the following principal headings:

1) Panel

The Central Government is empowered to establish committees, which consequently hold the same authority as a civil court and are capable of resolving any disputes that may arise on the premises.

2) Security and Medical Services

It delineated the fundamental provisions and entitlements of the laborers in the mines, encompassing the presence of first-aid kits within the mining sites, as well as the essential limitations on working

² Mines and Minerals (Development and Regulation) Act, 1957.

hours, stipulating that no worker should exceed 9 hours in a single day and 48 hours in a week, among other regulations.

3) Overtime Compensation

Employees ought to receive additional compensation for hours worked beyond the recommended duration.

Acts 1957 on Mines and Minerals (Rules and Regulations)

It was one of the principal statutes intended to regulate the mining sector. The Act provides the government with significant guidance for the sustainable mining of India. This Act possesses the following characteristics:

A) License.

It authorized the State Government to issue and approve licenses for mining activities within the nation and conferred authority upon several authorities, such as the Geological Survey of India and the Indian Bureau of Mines, to undertake associated activities and conduct surveys.

B) Regulations and protocols regarding leases and licenses

This Act allows a maximum area of ten kilometers for a license; however, the Central Government may increase this restriction upon receiving an application from the same party.

The minimum lease duration is 20 years, which may be extended to 30 years with Central Government consent, contingent upon the minerals being explored.

If an individual is found in breach, the penalty is specified as up to five lakh or five years of imprisonment. Concerning illicit mining, the penalties may be increased up to tenfold the value of the harvested material.

Act of 1986 on Environmental Protection

Despite the mining industry's lack of direct relevance to this Act, it is crucial to address it due to the impact of mining operations on the environment. This Act was created to protect the environment and effectively mitigates the damage caused by mining activities. This Act, enacted in 1986, empowers the Union Government to establish committees dedicated to tackling specific environmental concerns affecting the entire nation and to mitigating pollution in all its manifestations.

The Environment Act of 1986 defines "environment" as encompassing water, air, and land, along with the interconnections among these elements, humans, living beings, and microorganisms.

Article 51A of the Indian Constitution encompasses a fundamental provision mandating all citizens to safeguard the environment.

The provision on fundamental duties in the Indian Constitution clearly indicates that all individuals have an obligation to protect the environment. Article 47 of the Indian Constitution stipulates that the State's first concern should be general public health, which encompasses the notion that a healthy people relies on a clean environment.

The National Minerals Policy (NMP) 1993

Therefore, the Indian government adopted this policy as a continuation for the trade, financial, and economic changes implemented in 1991. In other words, the mining industry directly depends on the private investment from other nations.

Most Recent Amendment to the MMDR Act 2021: Mines and Minerals Act 2021: Rules and Regulations³

³ Mines and Minerals (Development and Regulation) Act, 1957

To liberalize the mining industry for the purpose of the Indian mining sector to reach its full potential, which they have not yet reached because the mining sector did not contribute to the Indian GDP, and to lessen the imports as India has a huge amount of minerals within it, which also includes attracting Foreign Direct Investment (FDI), the MMDR Act has been amended multiple times, and now we are discussing the MMDR Act 2020. The fundamental purpose behind this idea was to liberalize the mining industry. 5. Therefore, in order for the government to arrive at this position, it is evident that it was necessary for them to eliminate the stringent restrictions that had been imposed in the past by the Mines and Minerals Act, 1957 and 2015. To begin, the measure allowed foreign direct investment (FDI) of one hundred percent into the coal mining business from the very beginning. These are some of the most notable characteristics:

1) Previously, the sole purpose for which coal was utilized was for the generation of electricity; now, the new Act grants the corporations the authorization to sell coal.

Previously, new licensees were required to be acquired before mining could begin. However, the current license is now awarded to the successful bidder for a period of two years, which speeds up the process. This is one of the significant changes that was made in the previous Act in order to increase the amount of mining activity that occurs within the domestic nation.

3) In the past, the relevant state government was required to obtain approval from the Union government in order to issue licenses, permits, and clearances. However, this requirement is now being waived in some cases, such as when the Central Government has already made the allocation and there is no need for such a thing to be done.

Therefore, the revision to the MMDR 2021 brought about a variety of adjustments. If, on the other hand, one wishes to get a comprehensive understanding of the Act, this research article would also like to cover some essential points about private participation.

Personal engagement

Foreign Direct Investment is increasing, enabling the mining industry to achieve its full potential. The new regulations on private investment have both benefits and disadvantages. The new legislation has implemented competitive bidding in coal mining auctions, resulting in the private sector now being a minority, which is likely to attract additional investors. The state-controlled mining sector will be privatized to attract new capital into the market. Despite energy independence being considered a crucial factor for GDP growth and fulfilling the nation's energy requirements, the government has consistently failed to achieve this objective and reduce import levels.⁴ Nonetheless, the concern that troubles both the economic sector and the industry is the persistent difficulty for new entrants, as they must account for governmental taxation, mining expenses, and the investment required to acquire more affordable coal. It is asserted that significant price adjustments are unnecessary, given the new legislation minimally affects miner expenditures.

Difficulties Faced to Satisfaction Current Needs

Any nation's mining industry is regarded as one of its key sectors, particularly for a developing nation like India. This industry should help the GDP of the nation to grow more actively. Currently, it is not significantly contributing to the GDP increase as compared to its potential; this was the reason the MMDR Act was amended recently. The fundamental aim of the amendment was to lessen the reliance on imports since India has rich mineral resources in the nation and would lead towards the increase of the production within the country which is directly proportional towards the decrease in the imports. But the issue arises when such production would be increased in the country; there are various challenges which the government would face or some concerns which should be looked upon during

4 Kuntala Lahiri-Dutt, *Illegal Coal Mining in Eastern India: Reevaluating Legitimacy and Boundaries of Justice*, 42 ECONOMIC AND POLITICAL WEEKLY, 59 (2007)]

the implementation of these rules and regulations at administrative level especially at ground level work. Therefore, the divisions of the difficulties help one to grasp the circumstances rather easily:

Regulatory challenges

1), As was mentioned earlier, the primary issue is the regulatory challenges, and the direction of the recent amendments is to increase the growth of the mining sector in the country. As a result, the issue that arises is that the framework is quite complex, which results in a number of administrative and legal challenges. These challenges limit the growth of the mining sector at the same time.⁵ To provide a clearer understanding of the situation, the transfer of the mining leases has posed challenges thus far. The distribution of mining licenses follows a first-come basis; however, uncertainties persist concerning their acquisition. However, the system demonstrates a deficiency in transparency. The mining process is intricate, involving numerous companies and agencies. Additionally, there tends to be a significant delay in obtaining the necessary clearances. Therefore, it is essential to approach the acquisition of a mining license by securing all required approvals. The private sector, being the most heavily taxed industry in the nation, faced significant challenges in upgrading its technology.

2) Environmental or health problems

The new amendments are focusing on the expansion of the mining sector, which means that the government will face the same problem in the next years as a result of increased production and technology—the downside being global warming. Because this is one of the biggest problems we're facing now, at a time when globalization has begun and obviously had a major effect on the national economy. The granite quarries of Karnataka and the Makrana Marble mines of Rajasthan are two such instances that have had devastating effects on their respective ecosystems.⁶

Moreover, the coal and oil mines are crucial for the economy since they are regarded as the desired committees every nation wants to use and benefit from. Therefore, all over the world due to growing environmental concerns, governments of various nations are striving to come together to take actions and measures to use the more sustainable method of producing energy as discussed in conference regarding climate change which was held in Paris. For the nations like India and China, who are the main consumers of coal as advised by the Paris agreement, focus should be on the measures which would help them to facilitate to reduce the level of emissions in such a manner which would align with the objectives of the economic development of the concerned countries⁷. More than 200 countries have reached an agreement to reduce carbon emissions in the coming year and to systematically phase out practices contributing to global warming.

In response to the Paris Agreement, the new amendment aimed at expanding the mining sector in the country has raised several concerns regarding environmental protection. This is particularly relevant as the global community seeks cleaner alternatives to coal as a substitute for fossil fuels in pursuit of sustainable development. However, India's objective remains focused on leveraging development in the mining sector to fulfill its goals. Its potential is exactly proportional to the pledges taken in the Paris agreement.

Administrative Problems

The government of any nation serves as a fundamental support; without effective administration, processes cannot be implemented. Consequently, the challenge lies in the protracted and capricious allocation of coal mine licenses, which is further impeded by subsequent corruption that obstructs the licensing process. Consequently, the process should be streamlined through a transparent and

5 Rules and Measures in Place to Curb Illegal Mining in States, Press Information Bureau

<https://pib.gov.in/PressReleasePage.aspx?PRID=1807684> (last visited on May, 24, 2025).

6 Supra note. 4

7 Id

enhanced supervisory framework, as many issues in mine allocation and the initial phase of mine operations necessitate an improved structure for such matters. The subsequent issue is the delay in acquiring environmental approvals, as bureaucratic impediments represent a primary worry.

Court rulings on improved application of Indian mining laws

The mining industry in India has been embroiled in a number of scandals throughout the years. These have included issues like over-extraction of minerals, poor regulatory requirements regarding environmental protection and community rights, and the illicit sale of ores, all of which have necessitated judicial intervention.

For a better understanding of the mining sector's current state, this study examines historical cases that have recently occurred on this subject to learn how the judicial branch has interpreted mining laws, which are divided into administrative and environmental regulations.

1) Administrative problems.

Goa Foundation Against Union of India (UOI) and others ⁸

In this instance the problem concerned Goa's mining irregularities, including MMDR Act ⁹ loophole exploitation and absence of government official on the inspection. Several elements led to the significant deviations in mining in the state of Goa, including the absence of official government control and the use of legal gaps to serve personal interests, so encouraging the rule and regulation exploitation.

Observation of the Court reveals several anomalies; the State was only let to resume mining operations under conditions. The Court's decision reflects mostly on the fact that the local people's livelihood depended entirely on mining activity, thus the total ban would negatively impact the local populations.

Further, the Court keeping in mind the best interest of the State had in its decisions tried to balance out the consideration of the environment and ecological security, which in this case has been highlighted through the concept of sustainable development.

Goa Foundation Against M/s Sesa Ster Lite Limited & Ors ¹⁰

This case is regarded as one of the most significant instances of observed mining anomalies. After thorough consideration, the Court determined that mining was permissible until specific lease requirements were being illegally granted at that time, thereby satisfying specific criteria or conditions. From 2007 to 2012, it was noted that the lease in use was operating under the presumption of "deemed extension." This presumption was applied to the second renewal, which was treated as a second renewal, despite the absence of such a renewal. The permits were obtained through illicit means. The court reviewed the case and determined that the activity of renewing the leases was unlawful. Consequently, the mine leases renewed by the State Government will become unlawful and cease to exist after March 15, 2018, unless the government acts by granting fresh leases and obtaining clearance from the ECs through the correct evaluation process established by the court. The Court emphasized that "the State is unable to halt the mining process within its power, possibly due to the fact that the mining industry is providing revenue for the State Government, but without understanding the long-term impact that the mining industry will have on the State." The State's actions were severely criticized by the Court.

Samaj Parivartana Samudaya plus Ors. Against State of Karnataka and Others' ¹¹

⁸ Goa Foundation Vs. Union of India (UOI) and Ors., Writ Petition (Civil) No. 435 OF 2012..

⁹ Mines and Minerals Development and Regulation Act, 1957 Arrangement,
<https://www.mines.gov.in/writereaddata/UploadFile/MMDR%20Act,1957.pdf>. (last visited May25, 2025).

¹⁰ Goa Foundation Vs. M/s Sesa Sterlite Ltd. & Ors, (Civil) No. 32138 OF 2015.

¹¹ Samaj Parivartana Samudaya and Ors. Vs. State of Karnataka and Ors., Writ Petition (Civil) No. 562 of 2009

This particular instance was well-known for the poor management of the mining activities in Karnataka, as well as for the vast extent of iron ore mining that was carried out by a number of mining corporations, which ultimately led to a considerable loss of both the social and environmental sides of the situation. In the context of environmental protection, the Court made a number of observations, one of which was that licenses were granted without the approval of the environmental department. The Court also mentioned that the environment and ecology are assets of the nation, and that the time has come for mining to be stopped in the aforementioned area on the basis of the principle of sustainable development. The restriction on mining iron ore in the state of Karnataka was partially overturned by the Supreme Court later in the month of April 2013.

2) Environmental challenges

M.C. Mehta against Union of India sixteen

The question this case brought up was mining activity conducted around the Aravalli hills between the Delhi-Haryana border. Therefore, the first question is whether the mining area on the side of the Aravalli hills is causing environmental damage; the second question is whether the mining activity merits to be totally prohibited or should be allowed under strict criteria. Here the Supreme Court noted the case of T.N. and concluded that the mining operations are detrimental in character. Based on Rio Summit principle¹², which holds that the precautionary actions should be taken upon the environmental protection, Godavarman Thirumulpad case declared there should be an appropriate balance between the development of the mining sector and environment protection. Furthermore decided by the Court is the fact that mining activities cannot be started unless those licenses are receiving environmental protection.

Manohar Lal Sharma against The Principal Secretary and Ors.¹³

It was decided that the license should be revoked since non transparency shown in the process violates the mining regulations followed by the Union Government of the Mines and Minerals Act, 1957.

ANALYSIS

Currently, the government is focusing on enhancing mining production, a commendable initiative that will assist India in fulfilling its demand and ultimately reduce its reliance on imports. The majority of the amendments made are appropriately aligned with contemporary requirements. Consequently, the government is prioritizing the advancement of the mining sector within the Indian economy, as it is regarded as a critical pillar that requires emphasis. While the government's approach is poised to yield significant benefits for the mining industry, a pertinent concern arises: private entities within the sector may prioritize short-term gains, potentially leading to the overexploitation of mineral resources at the expense of environmental sustainability. Nevertheless, the existing regulations have failed to adequately address sustainable development within the mining sector when juxtaposed with other industries, which are placing significant emphasis on environmental concerns and the pursuit of sustainable practices. Originating from provisions within the Indian Constitution as outlined in the Directive Principles of State Policy, the Environmental Protection Act of 1986 imposes an obligation on the government, establishing it as the State's responsibility to oversee environmental conditions. The National Mineral Policy emphasizes the critical importance of adopting a sustainable approach that must be prioritized in the development of the mining sector. Nonetheless, there remains a notable deficiency in the execution of these guidelines within the mining sector, as various governmental analyses have indicated a troubling trend of diminishing adherence among mining enterprises. Consequently, enhanced development and efficiency within the mining sector hinge upon meticulous implementation.

12 M. C. Mehta v. Union of India AIR 1988 SC 1037; (1987) 4 SCC 463

13 Manohar Lal Sharma v. The Principal Secretary & Ors., Writ Petition (Civil) No. 120 of 2012.

An examination of various rulings issued by the pertinent Supreme Court and High Courts reveals that the judiciary has emphasized the importance of environmental preservation, while also criticizing the government for its failure to adhere to the essential rules and regulations required for obtaining environmental clearances. The Court's interpretation serves as a commendable approach to the regulation of mining law in India.

The National Mineral Policy emerged as a consequence of the directives established in a significant Supreme Court ruling, thereby informing the formulation of this Act. Consequently, it is clearly apparent that the Court is proceeding appropriately, as numerous decisions have been made prioritizing the preservation of the environment. Consequently, it can be posited that the Court's interpretation of the mining laws aligns appropriately with established principles.

Next Steps

In this regard, the following are some of the more significant recommendations: The Legislature should conduct a comprehensive review of policies and practices to manage the mining sector in order to achieve sustainable development. This can be achieved by implementing a specific type of social and environmental sustainability, as well as by recognizing the set of rules and legal frameworks through the enactment of appropriate bills and amendments. This will enable a form of participatory tool for all individuals to protect the environment and the people. Additionally, the benefits of the mining sector, such as financial benefits, should be enhanced, and employment opportunities should be expanded.

The utilization of electric and hybrid vehicles can be advantageous to the process of sustainable development and transportation. The implementation of fully electric or hybrid vehicles would significantly reduce the carbon footprint and emissions, as well as the total overall consumption of fossil fuels, thereby facilitating the preservation of the sustainable development program. This also contributes to the emission of fewer noxious gases.

After mining activities have been completed, sites should be rebuilt. For example, bio-solids can assist in the restoration of the top soil that has been depleted by mining. Consequently, soil that has been supplemented with bio-solids can be transformed into a site that is capable of producing vegetation, thereby preventing further soil erosion, provided that it is seeded correctly and maintained in a specific fashion.

The Indian Constitution's Article 21 has been liberally invoked by the Supreme Court of India in nearly every mining law-related case. The Courts have consistently interpreted the term "Environment" as "one of the most significant aspects that are associated with the right to life that is guaranteed under the ambit of Article 21 of the Constitution" in their rulings.

Consequently, the Environmental Protection Act, 1986, and Article 21 are crucial in preventing the extreme overuse of the environment and countering the adverse effects of mining on the environment as a whole. This promotes the concept of sustainable development in order to achieve environmental sustainability. Consequently, the courts must intervene whenever they deem an activity to be injurious or harmful in order to safeguard the environment.

4) The MMDR Act should be reevaluated, as illegal mining continues to undermine India's economy and plague the mining industry. Consequently, it is imperative to modify section 21 of the MMDR Act in a manner that is as stringent as possible, as the offenders are unable to easily exploit the weaknesses that also impact the punishment for these offenses.

5) Despite the fact that the Court interventions in the aforementioned cases in this study have unquestionably resulted in some positive changes in the field of

It is also essential to recognize that the Courts cannot be the sole agent responsible for resolving issues arising from the mining sector from a governance perspective. This is due to the fact that regulatory compliance is the responsibility of officials, and the proper implementation of the provisions outlined

in regulations should be implemented on a ground-level basis. In order to prevent any issues with regulatory policies, it is imperative that all personnel, from the tractor to the officials, receive appropriate training.

CONCLUSION

It is essential to assert that the government should conduct investigations into various facets of the mining industry. The government faces numerous challenges in addressing illegal mining; however, it is imperative to manage these issues on an urgent basis. Additionally, mining operations must be prohibited in ecologically sensitive and fragile areas. It is essential to map regions of significant ecological value, and mining operations should be prohibited in these areas. The government should utilize the rehabilitation of former mining sites. The mining operations must strive to maintain pollution levels at a minimum, as their standard should focus on pollution preservation. Consequently, it is evident that the mining sector requires accountability from both the legislature and the bureaucracy to oversee the industry, as well as initiatives from companies within the mining sector to promote sustainable development.

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